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HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No.2309 of 2015**

- K. Siva Muni Prasad, S/o Shri K. Munaiah, aged about 30 years, Presently posted and working as Assistant Manager (Excv.), E-3, Grade, Planning Department, Central E & M Workshop, SECL, Korba, P.S. Manikpur, District – Korba 495677 (CG)

---- Petitioner**Versus**

1. South Eastern Coalfields Limited, through its Chairman-cum-Managing Director, Seepat Road, Bilaspur, District – Bilaspur, 495006, P.S. Sarkanda, Bilaspur (CG)
2. South Eastern Coalfields Limited, through its Director (Personnel), Seepat Road, Bilaspur – 495006, District Bilaspur, P.S. Sarkanda, Bilaspur (CG)
3. South Eastern Coalfields Limited, through its Dy. General Manager (Executive Establishment), Executive Establishment Dept., Seepat Road, Bilaspur – 495006, District – Bilaspur, P.S. Sarkanda, Bilaspur (CG)
4. South Eastern Coalfields Limited, through its General Manager, Central E&M Workshop, Korba – 495677, District Korba, P.S. Manikpur, Korba (CG)
5. Shri V.K. Jaitak, (Previous GM, Korba CWS), General Manager (Excavation), Excavation Dept., South Eastern Coalfields Limited, Seepat Road, Bilaspur – 495006, Dist. Bilaspur, P.S. Sarkanda, Bilaspur (CG)
6. Shri R.S. Mukaty, General Manager (Excv.) South Eastern Coalfields Limited, General E&M Workshop, Korba – 495677, District Korba, P.S. Manikpur, Korba, (CG)
7. Shri A.K. Biswas, Area Personnel Manager, South Eastern Coalfields Limited, Central E&M Workshop, Korba – 495677, District – Korba, P.S. Manikpur, Korba (CG)
8. Shri R.S. Mahato, Senior Manager (Excv.) South Eastern Coalfields Limited, Central E&M Workshop, Korba – 495677, District – Korba, P.S. Manikpur, Korba (CG)
9. Shri B.S. Kukreja, Senior Manager (Excv.) South Eastern Coalfields Limited, Central E&M Workshop, Korba – 495677, District Korba, P.S. Manikpur, Korba (CG)

---- Respondents

For Petitioner	: Shri Viprasen Agrawal, Advocate.
For Respondents	: Shri Abhishek Sinha, Advocate.

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

7/7/2015

1. The petitioner has assailed the legality and validity of the order Annexure-P/1 whereby he has been transferred from CWS, Korba to Sohagpur area.
2. Learned counsel for the petitioner would refer to the representation filed by the petitioner on 4.6.2015 to point out that during the period 19.5.2012 till the impugned order is passed, the petitioner has been subjected to 8 transfers, therefore, the impugned order is malafide and has been passed with a view to harass the petitioner. He would further submit that in CWS, Korba, the petitioner was allotted a quarter in February, 2014, however, possession was handed over to him only in the month of April and he had stayed there for 7 days when the impugned order has been passed.
3. Learned counsel appearing for the SECL, on instructions, would submit that the petitioner was appointed as Management Trainee in the year 2012 and after successful completion of his probation period, he has now been placed in M-3 Grade. Since he has already completed about 3 years service at Korba, though in different offices of the SECL, the present transfer order has been necessitated due to administrative exigency. He would submit that several senior officers have also been transferred from one area to another by the SECL headquarters considering the administrative exigency in every case, therefore, the impugned order is neither malafide nor arbitrary.
4. Having heard learned counsel for the parties and considering the scope of interference in the matters concerning transfers and posting, as held by the Supreme Court in ***E.P. Royappa v. State of Tamil Nadu and another*¹, *Shilpi Bose (Mrs.) and others v. State of Bihar & another*², *State of M.P. and another v. S.S. Kourv and others*³, *Mohd. Masood Ahmad v. State of U.P. & Others*⁴ **Chief Commercial Manager, South Central Railway,****

¹ (1974) 4 SCC 3

² (1991) Supp 2 SCC 659

³ (1995) 3 SCC 270

⁴ (2007) 8 SCC 150

Secunderabad & Others v. G. Ratnam & Others⁵ and ***Airports Authority of India v. Rajeev Ratan Pandey & Others***⁶, this Court does not find any substance in the writ petition, the same deserves to be and is hereby dismissed.

Sd/-

J U D G E

(Prashant Kumar Mishra)

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⁵ (2007) 8 SCC 212

⁶ (2009) 8 SCC 337